

Directive 5.1

Management of Safety Allegations

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Approved by: _____

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5.1 MANAGEMENT OF SAFETY ALLEGATIONS

5.1.1 POLICY

The Regulatory Unit (RU) will manage allegations concerning regulated activities in such a way that individuals and organizations feel free to come forward and identify safety allegations to their employers or the RU. Safety allegations include allegations related to radiological, nuclear, and process safety as well as allegations related to nonradiological worker safety and health. The validity and significance of safety allegations concerning RU-regulated activities will be expeditiously determined and appropriate corrective actions promptly taken. Safety allegations concerning matters that are not within the jurisdiction of the RU will be referred to the appropriate entity.

5.1.2 OBJECTIVES

- a. Ensure that RU staff members who may receive safety allegations in the course of their duties report them to the RU Safety Allegations Program Coordinator (SAPC).
- b. Ensure that safety allegations are properly documented, assessed for safety significance, and resolved in a consistent and timely manner.
- c. Ensure that individuals and organizations that submit safety allegations to the RU receive a professional response and are encouraged to provide full information regarding their concerns.
- d. Ensure that individuals and organizations that submit safety allegations will be informed of the resolution of their concerns/allegations in a timely and consistent manner.
- e. Ensure that criteria are established for disclosure to entities external to the RU of (1) the identity of individuals and organizations that submit safety allegations, or (2) confidential sources of safety-related information.
- f. Ensure that RU processes for handling safety allegations comply with applicable laws, regulations, and U.S. Department of Energy (DOE) procedural requirements.
- g. Ensure that safety allegations not within the jurisdiction of the RU are referred to the appropriate entity.
- h. Ensure that the Tank Waste Remediation System Privatization (TWRS-P) contractor will be monitored to determine if it follows its employee concerns management program and

maintains an environment conducive to permitting employees to come forward with-safety allegations.

5.1.3 ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

5.1.3.1 Regulatory Official (RO)

- a. Ensures that the RU operates a safety allegation program that is consistent with DOE Order 5480.29, *Employee Concerns Management System*, and RLID 5480.29, *RL Employee Concerns Program*.
- b. Appoints an RU federal staff person as the RU SAPC. Ensures that the appointed individual has adequate resources and training to successfully function as the SAPC.
- c. Approves, in appropriate cases, the release of the identity of a confidential source of safety information.
- d. Determines what actions should be taken if there is a breach in confidentiality granted by the RU to an allegor.
- e. Approves confidentiality agreements with sources of confidential safety information when such an agreement is requested by the information source.

5.1.3.2 Safety Review Official (SRO)

- a. Provides support to the SAPC as needed to facilitate timely and complete reporting and resolution of safety allegations.
- b. Promptly reviews reports prepared by the SAPC and incorporates any lessons that can be learned from the reports into that part of the RU's regulatory program that is administered by the SRO.

5.1.3.3 Verification and Confirmation Official (VCO)

- a. Ensures that effective means are in place for RU receipt of safety allegations.

- b. Promptly reviews reports prepared by the SAPC and incorporates any lessons that can be learned from the reports into that portion of the RU's regulatory program that is administered by the VCO.
- c. Verifies that any deficiencies in the operations of the TWRS-P contractor, disclosed in RU safety allegation reports, are corrected by the contractor to prevent recurrences.
- d. Ensures that RU staff members who may receive safety allegations in the course of their duties report them to the SAPC.
- e. Ensures that the TWRS-P contractor operates an employee concerns program that is consistent with its approved employee concerns program plan, *Employee Concerns Program: Description and Instructions, BNFL-5193-ECP-01*.
- f. Ensures that information on potential safeguards or security violations reported as safety allegations is referred to the U.S. Department of Energy, Richland Operations Office (RL) Safeguards and Security Division.

5.1.3.4 Program Management Official (PMO)

- a. Ensures that any safety allegations received by the Program Management Group are forwarded to the SAPC.
- b. Promptly reviews reports prepared by the SAPC and incorporates any lessons that can be learned from the reports into that portion of the RU's regulatory program that is administered by the PMO.

5.1.3.5 RU Safety Allegations Program Coordinator (SAPC)

- a. Monitors the compliance of the TWRS-P contractor with its approved employee concerns program plan. Informs the RO and the VCO when the TWRS-P contractor is not in compliance with its plan. At the option of the RO, this activity can be shared with or conducted by the RU Policy and Training Coordinator.
- b. Ensures that safety allegations submitted to the RU receive prompt evaluation and resolution.
- c. Ensures that individuals and organizations that submit safety allegations to the RU receive a professional response and are kept informed of the status of the resolution of their concerns/allegations in a timely and consistent manner.

- d. Ensures that safety allegations not within the jurisdiction of the RU are referred to the appropriate entity.
- e. Ensures that RU processes and procedures for handling safety allegations comply with applicable laws, regulations, and DOE procedural requirements.
- f. Administers confidentiality agreements with sources of confidential information who request and are granted confidentiality by the RU.
- g. Administers the Allegation Management System (AMS) database.
- h. Informs the RL Employee Concerns Program (ECP) upon receipt of all safety allegations. Coordinates the review and resolution, and reports closure, of allegations to the ECP.

5.1.3.6 RU Staff

- a. Report safety allegations received in the course of their duties to the SAPC and to his or her Group Official.

5.1.4 APPLICABILITY

The policy and guidance provided in this directive and handbook apply to the proper handling and disposition of safety questions or concerns related to RU-regulated activities.

5.1.6 HANDBOOK

- a. Detailed guidelines implementing Management Directive 5.1 are contained in Handbook 5.1.
- b. Part I of the handbook provides general information on the RU safety allegation program.
- c. Part II of the handbook provides detailed guidance on processing allegations.
- d. Part III of the handbook provides procedures for granting and revoking confidentiality and for determining when the identity of a confidential source may be released outside the RU.

5.1.6 REFERENCES

10 CFR 708, "DOE Contractor Employee Protection Program," *Code of Federal Regulations*, as amended.

29 CFR 24, "Procedures for the handling of Discrimination Complaints Under Federal Employee Protection Statutes," *Code of Federal Regulations*, as amended.

29 CFR 1977, "Discrimination against Employees Exercising Rights under the Williams-Steiger Occupational Safety and Health Act of 1970," *Code of Federal Regulations*, as amended.

Atomic Energy Act of 1954, as amended (42 USC 2011, et seq.).

DOE Order 5480.29, *Employee Concerns Management System*, 1993

Employee Concerns Program: Description and Instructions, BNFL-5193-ECP-01, Revision 0, March 18, 1997.

Energy Reorganization Act of 1974 (ERA), Public Law 93-438, Oct. 11, 1974, as amended (42 USC 5801, et seq.).

Freedom of Information Act (FOIA), Public Law 89-487, July 4, 1966, as amended.

Privacy Act of 1974, Public Law 93-579, Dec. 31, 1974, as amended (5 USC 552a).

RLID 5480.29, *RL Employee Concerns Program*, U.S. Department of Energy, Richland Operations Office, 1994

Regulatory Unit Management Directives, RL/REG-97-05, Revision 1, 1998.

MD 2.1, "Information Management,"

MD 2.2, "Database Management Systems."

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